



## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

**[FWS-HQ-ES-2023-N045; MO# 300030113; OMB Control Number 1018-0165]**

### **Agency Information Collection Activities; Submission to the Office of Management and Budget; Implementing Regulations for Petitions**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, we, the U.S. Fish and Wildlife Service (Service), are proposing to renew an information collection without revisions.

**DATES:** Interested persons are invited to submit comments on or before

**[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].**

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to <https://www.reginfo.gov/public/do/PRAMain>. Find this particular information collection by selecting "Currently under Review – Open for Public Comments" or by using the search function. Please provide a copy of your comments to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS: PRB (JAO/3W), 5275 Leesburg Pike, Falls Church, VA 22041-3803 (mail); or by email to [Info\\_Coll@fws.gov](mailto:Info_Coll@fws.gov). Please reference "1018-0165" in the subject line of your comments.

**FOR FURTHER INFORMATION CONTACT:** To request additional information about this ICR, contact Madonna L. Baucum, Service Information Collection Clearance Officer, by email at [Info\\_Coll@fws.gov](mailto:Info_Coll@fws.gov), or by telephone at (703) 358-

2503. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

**SUPPLEMENTARY INFORMATION:** In accordance with the Paperwork Reduction Act (PRA, 44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR 1320.8(d)(1), all information collections require approval under the PRA. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

On February 9, 2023, we published in the *Federal Register* (88 FR 8451) a notice of our intent to request that OMB approve this information collection. In that notice, we solicited comments for 60 days, ending on April 10, 2023. In an effort to increase public awareness of, and participation in, our public commenting processes associated with information collection requests, the Service also published the *Federal Register* notice on Regulations.gov (Docket FWS-HQ-ES-2023-0006) to provide the public with an additional method to submit comments (in addition to the typical *Info\_Coll@fws.gov* email and U.S. mail submission methods). We received one anonymous comment which did not address the information collection requirements. No response to that comment is required.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information

collection requirements and provide the requested data in the desired format.

We are especially interested in public comment addressing the following:

- (1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;
- (2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;
- (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and
- (4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

*Abstract:* The Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), specifies the process by which the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (Services, we) make decisions on listing, delisting, or changing the status of a listed species, or revising critical

habitat. Any interested person may submit a written petition to the Services requesting to add a species to the Lists of Endangered and Threatened Wildlife and Plants (Lists), remove a species from the Lists, change the listed status of a species, or revise the boundary of an area designated as critical habitat. The petition process is a central feature of the ESA and serves a beneficial public purpose.

## **Petitions**

Information collected from petitioners used to determine whether to list a species includes:

- (1) Petitioner's name; signature; address; telephone number; and association, institution, or business affiliation;
- (2) Scientific and any common name of the species that is the subject of the petition;
- (3) Clear indication of the administrative action the petitioner seeks (e.g., listing of a species or revision of critical habitat);
- (4) Detailed narrative justification for the recommended administrative action that contains an analysis of the supporting information presented;
- (5) Literature citations that are specific enough for the Services to locate the supporting information cited by the petition, including page numbers or chapters, as applicable;
- (6) Electronic or hard copies of supporting materials (e.g., publications, maps, reports, and letters from authorities) cited in the petition;
- (7) For petitions to list, delist, or reclassify a species:
  - Information to establish whether the subject entity is a "species" as defined in the ESA;

- Information on the current geographic range of the species, including range States or countries; and
  - Copies of notification letters to States (explained in more detail below);
- (8) Information on current population status and trends and estimates of current population sizes and distributions, both in captivity and the wild, if available;
- (9) Identification of the factors under section 4(a)(1) of the ESA that may affect the species and where these factors are acting upon the species;
- (10) Whether any or all of the factors alone or in combination identified in section 4(a)(1) of the ESA may cause the species to be an endangered species or threatened species (i.e., place the species in danger of extinction now or in the foreseeable future), and, if so, how, including a description of the magnitude and imminence of the threats to the species and its habitat;
- (11) Information on existing regulatory protections and conservation activities that States or other parties have initiated or have put in place that may protect the species or its habitat;
- (12) For petitions to revise critical habitat:
- Description and map(s) of areas that the current designation (a) does not include that should be included or (b) includes that should no longer be included, and the rationale for designating or not designating these specific areas as critical habitat. Petitioners should include sufficient supporting information to substantiate the requested changes, which may include GIS

data or boundary layers that relate to the request, if appropriate;

- Description of physical or biological features essential for the conservation of the species and whether they may require special management considerations or protection;
- For any areas petitioned to be added to critical habitat within the geographical area occupied by the species at the time it was listed, information indicating that the specific areas contain the physical or biological features that are essential to the conservation of the species and may require special management considerations or protection. The petitioner should also indicate which specific areas contain which features;
- For any areas petitioned for removal from currently designated critical habitat within the geographical area occupied by the species at the time it was listed, information indicating that the specific areas do not contain the physical or biological features that are essential to the conservation of the species, or that these features do not require special management consideration or protections; and
- For areas petitioned to be added to or removed from critical habitat that were outside the geographical area occupied by the species at the time it was listed, information indicating why the petitioned areas are or are not essential for the conservation of the species; and

(13) A complete, balanced representation of the relevant facts, including information that may contradict claims in the petition.

## Notification of States

For petitions to list, delist, or change the status of a species, or for petitions to revise critical habitat, regulations require petitioners to provide notice of their intention to submit a petition to the State agency responsible for the management and conservation of fish, plant, or wildlife resources in each State where the species that is the subject of the petition occurs. Because a court of appeals invalidated this regulatory requirement, the Service proceeds with processing petitions even without evidence that the petitioner has provided notice to the responsible State agency. There are no forms associated with this information collection

*Title of Collection:* Implementing Regulations for Petitions, 50 CFR 424.14.

*OMB Control Number:* 1018-0165.

*Form Number:* None.

*Type of Review:* Extension of a currently approved collection.

*Respondents/Affected Public:* Individuals, private sector, and State/Tribal governments.

*Respondent's Obligation:* Required to obtain or retain a benefit.

*Frequency of Collection:* On occasion.

*Total Estimated Annual Nonhour Burden Cost:* \$280.00 (for materials, printing, postage, and data equipment maintenance, etc.).

Requirement	Annual Number of Respondents	Average Number of Responses Each	Annual Number of Responses	Average Completion Time per Response (Hours)	Estimated Annual Burden Hours
<b><i>Petitioner – Prepare and Submit Petitions (50 CFR 424.14(c), (d), (e), and (g))</i></b>					
Individuals	2	1	2	120	240
Private Sector	11	1	11	120	1,320
Government	1	1	1	120	120
<b><i>Petitioner – Notify States (50 CFR part 424)</i></b>					
Individuals	1	1	1	1	1
Private Sector	1	1	1	1	1

Government	1	1	1	1	1
<b><i>Totals:</i></b>	<b><i>17</i></b>		<b><i>17</i></b>		<b><i>1,683</i></b>

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

**Madonna Baucum,**

*Information Collection Clearance Officer,*

*U.S. Fish and Wildlife Service.*

[FR Doc. 2023-10369 Filed: 5/15/2023 8:45 am; Publication Date: 5/16/2023]